UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/814,102	03/31/2004	Kristin Coit	16113-769001 / GP-241-00-	5180

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EXAMINER
LASTRA, DANIEL

ART UNIT	PAPER NUMBER
3688	

NOTIFICATION DATE	DELIVERY MODE
07/16/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATDOCTC@fr.com

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _17 May 2010_.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1,4,5,7-9,15,16 and 33-37_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1, 4-5, 7-9, 15, 16 and 33-37_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   Claims 1, 4-5, 7-9, 15, 16 and 33-37 have been examined. Application

10/814,102 (ADVERTISEMENT APPROVAL) has a filing date 03/31/2004.

Response to Amendment

2.   In response to Non Final Rejection filed 01/15/10, the Applicant filed an

Amendment on 05/17/10, which amended claims 1, 5, 15, 33-34, 37 and cancel claim 6.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed
> or described as set forth in section 102 of this title, if the differences between the
> subject matter sought to be patented and the prior art are such that the subject
> matter as a whole would have been obvious at the time the invention was made
> to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was
> made.

Claims 1, 4-5, 7-9, 15, 16 and 33-37 are rejected under 35 U.S.C. 103(a) as

being unpatentable over <u>Goodman</u> (US 2005/0021649) in view of <u>Angles</u> (US

5,933,811).

Claims 1, 33 and 34, <u>Goodman</u> teaches:

A computer-implemented method comprising:

Accepting, on a computer system, a set of advertisements from an advertiser

(see paragraph 98);

determining if the advertiser *was previously determined to be a* trusted advertiser

(see paragraph 99); submitting, in response to determining that the advertiser *was*

previously determined to be a trusted advertiser, the advertisements in the set of

advertisements for review using an automated review process, wherein the automated

review process comprises automatically approving or disapproving advertisement based

on the content of the advertisement (see paragraph 98);

in response to determining that the advertiser was not previously determined to be a

trusted advertiser: selecting a subset of the set of advertisements (see paragraph 110);

submitting the subset of advertisements to be reviewed to a manual review process for

approving or disapproving an advertisement based on the content of the advertisement

(see paragraph 110);

determining a trust score for the advertiser using information based on the

manual review of the subset of advertisements (See paragraph 110);

wherein determining the trust score for the advertiser comprises determining a

first amount of advertisements in the subset declined for a first reason, determining a

second amount of advertisements in the subset declined for a second reason, applying

a first weighting factor to the first amount of advertisements to generate a first trust

score component, applying a second weighting factor to the second amount of

advertisements to generate a second trust score component, and generating the trust

score based on the first trust score component and the second trust score component

(see paragraphs 57, 62, 78,101, 110-112) ;

and

if the trust score is less than a threshold trust score (see paragraph 98)

submitting the advertisements in the set of advertisements not in the selected subset for

review using the automated review process (see paragraph 48, 110-111 "system checks a subset of the potential spammer's outgoing messages by a human and because the score is less than a threshold the sender is not a spammer and therefore, all the sender messages are allowed to be sent and check automatically using filters as it is not necessary for a human to inspect them again"); if the trust score is greater than or equal to a threshold trust score (see paragraph 48): submitting the advertisements in the set of advertisements not in the selected subset to be reviewed using the manual review process and allowing approved advertisements from the set of advertisements to be served by the advertisement server (see paragraph 48, 98-101 "a high score determines a high probability that a sender is a spammer therefore, message are sent for human review in order to determine which messages are spam and which are not"); and

automatically transferring approved advertisements of the set if the trust score indicates that the advertiser is a trusted advertiser (see paragraph 111 "the sender is not a spammer, therefore, the score of a sender is reset and the threshold level increase in order that trusted senders are allowed to send their messages). In Goodman when a sender's score is less than a threshold value, said sender is considered a trusted sender, however, in Applicant's claimed invention, when the sender's trust score (i.e. advertiser) is less than a threshold trust score, said sender is not considered a trusted sender or advertiser. However, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that said difference between Goodman and Applicant's claimed invention would not patentably distinguish

the claimed invention from the prior art because <u>Goodman</u> teaches the concept of comparing a sender score to a threshold value in order to determine the probability of said sender being a trusted sender or not.

<u>Goodman</u> does not teach the set of advertisements being reproducible using an advertisement server and transferring the approved advertisements to the advertisement server. However, <u>Angles</u> teaches a system where advertisers transfer advertisements to an advertisement server via the Internet to be distributed to consumers (see col 2, line 45 – col 3, line 30). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that because <u>Goodman</u> teaches that his filter system can be adapted to include electronic messaging of any form that can be distributed over any communication architecture (see paragraph 35), that <u>Goodman</u> would modify his invention to include an ad server, as the one taught by <u>Angles</u> in order to filter the advertisements transfer to said ad server and therefore, avoid displaying unwanted advertisements to consumers when said consumers access a content provider website, such as chat websites.

Claim 4, <u>Goodman</u> teaches:

wherein the trust score indicates a degree of distrust is a distrust score (see paragraph 48).

Claim 5, <u>Goodman</u> teaches:

wherein *the first amount of advertisements* comprises a percentage of advertisements in the subset *declined for the first reason* (see paragraph 101).

Claim 7, <u>Goodman</u> teaches:

wherein the set of advertisements comprises Web advertisements (see paragraph 110).

claim 8, <u>Goodman</u> teaches:

automatically screening the approved advertisements for preselected words or phrases (see paragraph 44).

Claim 9, <u>Goodman</u> teaches:

wherein at least one of the preselected words is a URL (see paragraph 44).

Claim 15, <u>Goodman</u> teaches:

A computer-implemented method of ad approval comprising: selecting a subset of a first group of advertisements provided by a trusted advertiser (see paragraph 110); accepting a determination of advertisements in the subset that are disapproved (see paragraph 110);

determining a trust score using information concerning disapproved advertisements in the subset, approved advertisements in the subset, and reasons for any disapprovals (see paragraph 110); and

pulling from circulation at least one advertisement in a second group of advertisements received from the trusted advertiser if the trust score indicates that the trusted advertiser is no longer a trusted advertiser (see paragraph 104). <u>Goodman</u> does not teach the set of advertisements being reproducible using an advertisement server. However, <u>Angles</u> teaches a system where advertisers transfer advertisements to an advertisement server via the Internet to be distributed to consumers (see col 2, line 45 – col 3, line 30). Therefore, it would have been obvious to a person of ordinary skill in the

art at the time the application was made, to know that because <u>Goodman</u> teaches that his filter system can be adapted to include electronic messaging of any form that can be distributed over any communication architecture (see paragraph 35), that <u>Goodman</u> would modify his invention to include an ad server, as the one taught by <u>Angles</u> in order to filter the advertisements transfer to said ad server and therefore, avoid displaying unwanted advertisements to consumers when said consumers access a content provider website, such as chat websites.

Claim 16, <u>Goodman</u> teaches:

wherein the determination of advertisements in the subset that are disapproved is accepted from a manual review process (see paragraph 110).

Claim 35, <u>Goodman</u> does not teach:

wherein accepting the set of advertisements from the advertiser includes receiving advertisements from a syndication system that is configured to aggregate and collect advertisements from third parties that submit third party advertisements to the syndication system for placement on a web page of a content publisher. However, Official Notice is taken that it is old and well known in the promotion art for central server to receive advertisements from third parties and transmit said advertisements to content providers' web sites when a user access said content providers websites. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that in <u>Goodman</u>, a central server would collect advertisements from third parties and would send said advertisements to be displayed

in content providers as it is old and well known in the promotion art to use central servers to aggregate advertisements to be delivered to different content providers.

Claim 36, Goodman teaches:

wherein accepting the set of advertisements from the advertiser includes receiving the advertisements directly from a system of organization that produced the advertisement (see paragraph 110).

Claim 37, Goodman does not teach:

wherein automatically transferring approved advertisements of the set includes designating the approved advertisement for placement in an advertisement syndication network. Goodman does not teach the set of advertisements being reproducible on an advertisement server and transferring the approved advertisements to the advertisement server. However, Angles teaches a system where advertisers transfer advertisements to an advertisement server via the Internet to be distributed to consumers (see col 2, line 45 – col 3, line 30). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that because Goodman teaches that his filter system can be adapted to include electronic messaging of any form that can be distributed over any communication architecture (see paragraph 35), that Goodman would modify his invention to include an ad server, as the one taught by Angles in order to filter the advertisements transfer to said ad server and therefore, avoid displaying unwanted advertisements to consumers when said consumers access a content provider website.

Response to Arguments

4.   Applicant's arguments filed 05/17/10 have been fully considered but they are not persuasive. The Applicant argues that the prior arts do not teach "*wherein determining the trust score for the advertiser comprises determining a first amount of advertisements in the subset declined for a first reason, determining a second amount of advertisements in the subset declined for a second reason, applying a first weighting factor to the first amount of advertisements to generate a first trust score component, applying a second weighting factor to the second amount of advertisements to generate a second trust score component, and generating the trust score based on the first trust score component and the second trust score component*". The Examiner answers that in Goodman, the trust score (i.e. spammer score) of an advertiser (i.e. sender) is obtained by adding the scores of all respective messages (i.e. advertisements) by sender (see paragraph 78) and when a sender may be a possible spammer, Goodman manually inspect at least a subset (i.e. first amount and a second amount) of the potential spammer's outgoing messages by a human (see paragraph 110) in order to verify said sender score. Goodman teaches that the trust score assigns weighting factors to the messages, so that for example, a message having a URL may be assigned a higher score than, for example, a message having no URL (see paragraph 77). Then, in Goodman, the scores are calculated simply by adding the scores of each message based upon the weighting factor applied to each message to determine a total score of a sender and then said total score is compared to respective threshold levels specific to each sender to facilitate detection of a trusted sender (i.e. is not a spammer)

(see paragraph 78). Therefore, contrary to Applicant's argument, <u>Goodman</u> teaches Applicant's claimed invention.

The Applicant argues that <u>Goodman</u> does not teach determining the trust score for the advertiser only after determining that the advertiser was not previously determined to be a trusted advertiser" and submitting the advertisements in the set of advertisements for review using an automated review process if the advertiser was previously determined to be a trusted advertiser. The Examiner answers that in <u>Goodman</u>, when the advertiser was not previously determined to be a trusted advertiser, <u>Goodman</u> would trigger a manual review as said advertiser threshold level would be lower (see paragraph 56, 62, 99) than the threshold level of previously determined trusted advertiser, so that trusted advertiser is not flagged as a potential spammer (see paragraph 62). Therefore, contrary to Applicant's argument, <u>Goodman</u> teaches Applicant's claimed limitation.

Conclusion

5.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL LASTRA whose telephone number is 571-272-6720 and fax 571-273-6720. The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, LYNDA C JASMIN can be reached on (571) 272-6782. The official Fax number is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/DANIEL LASTRA/
Primary Examiner, Art Unit 3688
July 12, 2010